

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMAR BROOKS,

Plaintiff,

vs.

ARRIZOLA, et al.,

Defendants.

1:20-cv-00476-JLT-GSA-PC

**ORDER GRANTING DEFENDANT
ARREZOLA'S MOTION TO MODIFY
SCHEDULING ORDER
(ECF No. 34.)**

**ORDER EXTENDING DISPOSITIVE
MOTIONS FILING DEADLINE FOR ALL
PARTIES**

**NEW DISPOSITIVE MOTIONS FILING
DEADLINE:**

AUGUST 17, 2022

I. BACKGROUND

Plaintiff Lamar Brooks is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On January 10, 2022, the Court issued a Discovery and Scheduling Order establishing pretrial deadlines for the parties, including a deadline for filing dispositive motions of August 10, 2022. (ECF No. 25.).

On August 10, 2022, Defendant Arrezola¹ filed a motion to modify the Discovery and Scheduling Order. (ECF No. 34.)

II. MOTION TO MODIFY SCHEDULING ORDER

Modification of a scheduling order requires a showing of good cause, Fed. R. Civ. P. 16(b), and good cause requires a showing of due diligence, Johnson v. Mammoth Recreations,

¹ Sued as Arrizola.

Inc., 975 F.2d 604, 609 (9th Cir. 1992). To establish good cause, the party seeking the modification of a scheduling order must generally show that even with the exercise of due diligence, they cannot meet the requirement of the order. Id. The Court may also consider the prejudice to the party opposing the modification. Id. If the party seeking to amend the scheduling order fails to show due diligence the inquiry should end and the Court should not grant the motion to modify. Zivkovic v. Southern California Edison, Co., 302 F.3d 1080, 1087 (9th Cir. 2002).

Defendant Arrezola requests an extension of the dispositive motions filing deadline until August 17, 2022.

The Court finds good cause to extend the dispositive motions filing deadline. Defense counsel has shown that she was diligent in attempting to meet the deadlines established in the Court's Discovery and Scheduling Order, but was unable to complete the dispositive motion in this case before the deadline expired. Therefore, Defendant Arrezola's motion to modify the Discovery and Scheduling Order shall be granted.

III. CONCLUSION

Based on the foregoing and good cause having been presented to the court, **IT IS HEREBY ORDERED** that:

1. Defendant Arrezola's motion to modify the court's Discovery and Scheduling Order, filed on August 10, 2022, is **GRANTED**;
2. The deadline for filing dispositive motions in this case is extended from August 10, 2022 until **August 17, 2022**, for all parties to this action; and
3. All other provisions of the court's January 10, 2022 Discovery and Scheduling Order remain the same.

IT IS SO ORDERED.

Dated: **August 12, 2022**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE